



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)

Do NOT use for expedited rule making

Agency: Employment Security Department

Subject of possible rule making: The department intends to adopt rules that specify the circumstances under which an individual may establish good cause for voluntarily leaving work under RCW 50.20.050(2)(a).

Statutes authorizing the agency to adopt rules on this subject: RCW 50.12.010, RCW 50.12.040, and RCW 50.20.010.

Reasons why rules on this subject may be needed and what they might accomplish: On June 19, 2008, the State Supreme Court issued a decision in the case of *Spain v. ESD* holding that the 11 circumstances listed in RCW 50.20.050(2)(b) that do not disqualify an individual from receiving unemployment benefits for voluntarily leaving work is not an exclusive list. The Court held that ESD has authority to determine whether individuals have good cause to leave work in other circumstances. The department's current rules were formulated with the understanding that the 11 factors constituted an exclusive list; therefore revisions to the rules are needed.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The U.S. Department of Labor reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of unemployment insurance laws as long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for developing new rule (check all that apply):

☐ Negotiated rule making

☐ Pilot rule making

☐ Agency study

☒ Other (describe) The department will hold public meetings to obtain and consider public and stakeholder input prior to filing the proposed rules. In addition, there will be a mailing to stakeholders identified in the rulemaking process and written comments from stakeholders will be considered.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

Interested persons can participate in the decision to adopt the new rules and formulation of the proposed rules before publication by contacting:

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Please include your name, organization (if any), mailing address, e-mail address, and telephone number.

DATE

7-1-08

NAME (TYPE OR PRINT)

Karen T. Lee

SIGNATURE

TITLE

Commissioner

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